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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,570	05/01/2001	Scott C. Harris	LOGIN-RENEWAL/SCI	6749

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EXAMINER

NORRIS, TREMAYNE M

ART UNIT	PAPER NUMBER
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2137

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DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/681,570

Applicant(s)

HARRIS, SCOTT C.

Examiner

Tremayne M. Norris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-15,17,19 and 20 is/are rejected.
- 7) ☒ Claim(s) 7,16,18,21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 15 is rejected under 35 U.S.C. 102(e) as being anticipated by Guthrie et al (US pat 6,161,185).

Regarding claim 15, Guthrie et al teach a method comprising: detecting an attempt to obtain access to computer resources and maintaining a number of times that said attempt has been made; and for each of said plurality of attempts, increasing a security of said computer resources (col.8 lines 18-30).

3. Claim 19,20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wood et al (US pat 6,609,198).

Regarding claim 19, Wood et al teach a system comprising: a computer, running a routine which allows a user to identify themselves to the computer, and a file access

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detecting part, detecting access to a specified higher security file on said computer, and requiring a user to re-identify themselves to the computer upon said detecting said access to said specified higher security file, but not requiring the user to re identify themselves to the computer upon detecting access to files other then said specified higher security files (col.2 lines 27-67).

Regarding claim 20, Wood et al teach a system as in claim 19, wherein said higher security files are manually marked as high security files (col.2 lines 11-13; col.4 lines 8-12; col.5 lines 55-57).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, and further in view of Guthrie et al (US pat 6,161,185).

Regarding claim 1, Murphy teaches a system comprising: a computer peripheral, detecting information about a current surrounding of the computer; and controls access

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to the computer based on said identify and said current surrounding (col.6 lines 46-56; col.7 line 56 thru col.8 line 28). Murphy does not teach a running a routine which allows a user to identify themselves to the computer. Guthrie et al teach a running a routine which allows a user to identify themselves to the computer (col.8 lines 18-30). It would have been obvious to one of ordinary skill at the time of the invention to combine Murphy's location-dependent security apparatus with Guthrie et al's teaching of running a routine that allows a user to identify themselves in order to deter a unauthorized user from attempting to gain access to secure information (Guthrie col.8 lines 24-30).

Regarding claim 2, Murphy and Guthrie et al teach a system as in claim 1, in addition Murphy teaches said computer determines a first surrounding at a time of user identification, and maintains the computer unlocked while the computer is in said first surrounding, and causes the computer to lock when the computer is detected to vary from said first surrounding by a predetermined amount (col.6 lines 46-56).

Regarding claim 3, Murphy and Guthrie et al teaches a system as in claim 2, in addition Murphy teaches said surrounding is a physical location of the computer, as detected by an automatic position location device (col.7 line 56 thru col.8 line 8).

Regarding claim 6, Murphy and Guthrie et al teach a system as in claim 2, in addition Guthrie et al teach a failure processing routine, which processes failures in

login by increasing security for each of a plurality of times when a login fails (col.8 lines 18-30).

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Guthrie et al, and further in view of Murphy et al (US pat 5,799,082).

Regarding claim 4, Murphy and Guthrie et al teach a system as in claim 2, but does not teach said surrounding includes a view that is seen by the computer. Murphy et al teach said surrounding includes a view that is seen by the computer (col.7 line 57 thru col.8 line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Murphy's location-dependent security apparatus with Murphy et al's teaching of using image authentication in order to provide a way of authenticating an authorized user, which helps to prevent the possibility of electronic mischief and the corruption of information (Murphy et al col.1 lines 24-57).

Regarding claim 5, Murphy, Guthrie et al, and Murphy et al teach a system as in claim 4, in addition Murphy et al teach said view includes an image of a user (col.7 lines 49-51).

7. Claim 8,9,11,13,14 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy and Guthrie et al, and further in view of Jones (US pat 5,289,540).

Regarding claim 8, Murphy and Guthrie et al teach a method comprising: carrying out a first security operation which allows a user to obtain access to resources of the computer; determining surroundings information, including first surroundings information associated with said first security operation, and second surroundings information at times subsequent to said first surroundings information; and allowing continued access to resources of the computer only so long as said second surroundings information does not differ from said first surroundings information by more than a specified threshold (Murphy col.6 lines 46-56; col.7 line 56 thru col.8 line 28). Murphy and Guthrie et al do not teach requiring a new security operation to obtain said access to said resources. Jones teaches requiring a new security operation to obtain said access to said resources (col.9 lines 52-67). It would have been obvious to one of ordinary skill in the art to combine Murphy's location-dependent security apparatus with Jones's teaching of requiring a new security operation to access resources in order to be able to access the resources even after the system/computer has locked up.

Regarding claim 9, Murphy, Guthrie et al, and Jones teach a method as in claim 8, in addition Murphy teaches said surroundings information is information indicative of a physical location of the computer, and said determining comprises using an automatic position determining device to determine said position (col.7 line 56 thru col.8 line 8).

Regarding claim 11, Murphy, Guthrie et al, and Jones teach a method as in claim 9, in addition Murphy teaches determining a difference between said first and second surroundings information, determining a distance between the physical locations indicated by said first and second surroundings information, determining if said distance is greater than a predetermined threshold, and allowing said continued access only when said distance is not greater than said predetermined threshold (col.6 lines 46-56).

Regarding claim 13, Murphy, Guthrie et al, and Jones teach a method as in claim 8, in addition Guthrie et al teach first security operation comprises determining whether a user has successfully responded to a request for user-security information, and for each of the plurality of times that the user does not successfully respond to said request for user-security information, increasing an aspect of security (col.8 lines 18-30).

Regarding claim 14, Murphy, Jones, and Guthrie et al teach a method as in claim 13, in addition Guthrie et al teach said increased aspect of security includes entry of secret personal information (col.7 lines 49-51; col.7 line 64 thru col.8 line 6).

8. Claims 10 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, Guthrie et al, and Jones, and further in view of Murphy et al.

Regarding claim 10, Murphy, Guthrie et al, and Jones teach a method as in claim 8, but do not teach said surroundings information is information indicative of an image of



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a proximity of said computer, and said determining comprises using a camera to determine said image. Murphy et al teach said surroundings information is information indicative of an image of a proximity of said computer, and said determining comprises using a camera to determine said image (col.7 line 57 thru col.8 line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Murphy and Jones's location-dependent security apparatus with Murphy et al's teaching of using image authentication in order to provide a way of authenticating an authorized user, which helps to prevent the possibility of electronic mischief and the corruption of information (Murphy et al col.1 lines 24-57).

Regarding claim 12, Murphy, Guthrie et al, Jones, and Murphy et al teach a method as in claim 10, in addition Murphy et al teach determining a difference between a first image representing said first surroundings information, and a second image representing said second surroundings information, using automated machine vision techniques (col.15 lines 36-46).

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie et al, and further in view of Andrel et al.

Regarding claim 17, Guthrie et al teach a method as in claim 15 of increasing security, but do not teach requiring additional information prior to granting access.

Andrel et al do teach requiring additional information prior to granting access (col.8 lines 34-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Guthrie et al's method of increasing security after a plurality of attempts with Andrel's teaching of requiring additional information prior to granting access in order to further enhance the security of the computer system by preventing sophisticated brute force attacks.

***Allowable Subject Matter***

10. Claims 7,16,18,21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 7, the cited prior art fails to specifically teach the system as in claim 6, further comprising increasing a security of the computer when a user powers down the computer in response to being prompted to identify themselves.

With respect to claim 16, the cited prior art fails to specifically teach a method as in claim 15, wherein said increasing a security comprises encrypting specified files, wherein additional files are encrypted each time that an attempt to obtain access is made.

With respect to claim 18, the cited prior art fails to specifically teach a method as in claim 8, Wherein said determining comprises triangulating to determine a position.

With respect to claim 21, the cited prior art fails to specifically teach A system as in claim 19, wherein said file access detecting part automatically detects specified words in said files, and automatically determines files including said specified words as being said higher security files.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (703) 305-8045. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 305-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tremayne Norris

April, 1 2004

  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
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